IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21379 of 2004

Between:

K. Radhakrishna Rao, S/o. Sri K. Subba Rao,
Aged about : 54 years, R/o.13/636, Bhavani Medical Stores, Y.V. Street,

Kadapah, Kadapah District.

..... PETITIONER

AND

1. The Regional Joint Commissioner of Endowments,

Multi Zone-II, Tirupati,
Chittoor District.
2. The Assistant Commissioner of Endowments, Kadapah,

Kadapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, Order or direction, more particularly a writ in the nature of writ of Mandamus declaring the action of the
1st respondent i.e., the Regional Joint Commissioner of Endowments, Mz-II, Tirupati in not hearing the STAY petition and granting extension of stay in IA.No.30/2004 in RP.No.18 of 2004, as bad, illegal, arbitrary and oppose to law.

Counsel for the Petitioner: MR.M.VIDYASAGAR

Counsel for the Respondents 1 & 2: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORDER:

The petitioner was recognized as founder trustee of Sri Ramagiri Baba Ashramam. However, he was placed under suspension on certain charges, through proceedings, dated 24.08.2004, passed by the 2nd respondent. Aggrieved by the same, the petitioner filed R.P.No.18 of 2004 before the 1st respondent together with I.A.No.30 of 2004 for interim orders. The 1st respondent passed an interim order on 20.09.2004, for a period of four weeks. Thereafter, it was not extended. The petitioner feels aggrieved by non-extension of the interim orders.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The limited grievance of the petitioner is as regards non-extension of the interim orders. A perusal of the interim order, dated 20.09.2004, passed by the 1st respondent, discloses that he was *prima facie* satisfied for passing the same. It is true that the same was limited for a period of four weeks. Once an interim order was granted, it needs either be extended or the I.A., itself needs to be rejected for reasons to be recorded. If no course of action is adopted, it would not amount to proper exercise of appellate power. On this short ground, the writ petition is liable to be allowed.

The writ petition is accordingly allowed, and it is directed that the interim order passed by the 1st respondent on 20.09.2004, shall be in force till the disposal of the

R.P.18 of 2004. The 1st respondent shall endeavour to dispose of the R.P., itself, within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 23rd November, 2004

Note: Furnish copy in three days.

(B/o.)

ts

To

1. The Regional Joint Commissioner of Endowments,

Multi Zone-II, Tirupati,
Chittoor District.

2. The Assistant Commissioner of Endowments, Kadapah,

Kadapah District.

3. 2 CCs to the Government Pleader for Endowments, High Court of

A.P., High Court Buildings, Hyderabad (O.U.T).

4. 2CD copies.